IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.Rev.Pet.No. 4027 of 2006

CRA.361/2005 of IV ADDL.SESSIONS COURT, ERNAKULAM
CC.1011/2001 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA

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REVN. PETITIONER/APPELLANT/ACCUSED:

BINU K.JACOB, S/O.YACOB,
KUZHIVELIPURATH, NEAR
MANIYATHRA MUGHAL TEMPLE,
THEVAKKAL, CHETTEKKARA,
VADAVUCODE, EDAPPALLY NORTH.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS/RESPONDENTS/COMPLAINANT:

1. SUB INSPECTOR OF POLICE,
CITY TRAFFIC POLICE STATION,
KOCHI CITY.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MOHAMMED

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.R.P.No. 4027 of 2006

ORDER

The accused, convicted for offences under Sections 279, 337 and 338 IPC concurrently by the courts below is the revision petitioner. On being found guilty, he was sentenced to undergo simple imprisonment for a term of three months each under Sections 279 and 337 IPC and to undergo simple imprisonment for a term of six months under Section 338 IPC, directing the sentences to run concurrently. The said conviction and sentence was confirmed in appeal. Hence, this revision.

2. Learned counsel for the petitioner, after advancing arguments on the merits of the case, probably, on being convinced that he has not been able to make out grounds to persuade this Court to interfere in the concurrent conviction entered into by the courts below, submitted that he does not

want to advance any arguments assailing the conviction for offences under Sections 279, 337 and 338 IPC, but that his only prayer is to have the sentence modified, so as to avert imprisonment, enabling the petitioner to pay fine or compensation in lieu thereof. The submissions so made deserve to be considered favourably.

3. In the result, I confirm the conviction of the petitioner for offences under Sections 279, 337 and 338 IPC. But, all the same, I set aside the sentence passed by the courts below against the petitioner and in lieu thereof award imprisonment for one day till rising of court for offence under Section 338 IPC and direct compensation being paid of an amount of Rupees ten thousand to PW2, who suffered grievous injury and in default to undergo simple imprisonment for six months and award imprisonment for one day till rising of court each for offences under Sections 279 and 337 IPC and direct compensation of an amount of Rupees one thousand each being paid under Sections 279 and 337

IPC respectively to each of PWs 1, 3 and 4, who sustained injuries in the accident and in default to undergo simple imprisonment for three months each. The substantive terms of imprisonment shall run concurrently. The petitioner shall surrender before the trial court positively in the Forenoon of 12.2.2007 to receive the sentence and on that day he shall make deposit of the entire compensation amount before the trial court for being disbursed to PWs 1 to 4 in the manner stated above and in case of failure to deposit the compensation amount as aforesaid, the learned Magistrate shall enforce the sentence in default of payment of compensation forthwith against the petitioner. The compensation amount, if deposited, shall be disbursed to PWs 1 to 4 in the manner directed above.

This Crl.R.P. is disposed of as above.

9th January, 2007 (K.P.Balachandran, Judge)

tkv